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6 November 2014

Dear Kevin,

COMMUNITY EMPOWERMENT (SCOTLAND) BILL

I look forward to giving evidence to the Committee on the Bill on 12 November. I thought it might be helpful if I outline before our meeting some areas in which the Scottish Government plans to bring forward amendments at Stage 2. I hope this will assist the Committee in its scrutiny.

In accordance with the commitment made by the Cabinet Secretary for Culture and External Affairs, we propose that Historic Environment Scotland should be added to the list of community planning partners set out in Schedule 1.

We will bring forward amendments to include Community Benefit Companies (BenComs) as a type of body which can make an asset transfer request for ownership of land, under section 53. BenComs are now defined under the Co-operative and Community Benefit Societies Act 2014.

We will put in place an appeal process for asset transfer requests made to the Scottish Ministers, in line with the provisions already included for requests made to local authorities or other relevant authorities.

I believe there is benefit in requiring relevant authorities to publish their registers of assets, to help community bodies understand what land or buildings may be available for asset transfer. My officials are considering how such a requirement might be constructed.



As noted in the letter from the Minister for Parliamentary Business to you and the Convener of the Rural Affairs, Climate Change and Environment (RACCE) Committee, we propose to use the Community Empowerment Bill to make changes to Part 3 of the Land Reform (Scotland) Act 2003, on crofting community right to buy. A "Call for Evidence" to consult stakeholders on the proposed changes was issued on 13 October and is available on the Scottish Government website at <http://www.scotland.gov.uk/Topics/farmingrural/Rural/rural-land/right-to-buy/crofting> .

We will also be seeking to make further amendments to Parts 2 and 3A of the Land Reform (Scotland) Act 2003, although the detail of these is still under discussion.

I and my Ministerial colleagues will also, of course, pay close attention to the views of your Committee, the RACCE Committee and the Delegated Powers and Law Reform Committee when you report on the Bill, and consider what further amendments might be brought forward to improve the Bill.

I am copying this letter to the Convener of the RACCE Committee for their interest in Part 4 of the Bill.

Louis
DD Mackay

DEREK MACKAY